

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application, No.	:	09/822,735	Confirmation No. 7299
Applicant	:	Jiming Sun	
Filed	:	03/30/2001	
TC/A.U.	:	2144	
Examiner	:	Barbara N. Burgess	
Docket No.	:	042390.P10450	
Customer No.	:	8791	

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Final Office action dated April 1, 2009, Applicant would like to request a pre-appeal panel review of the application.

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application.

This request is in response to the Final Office Action mailed April 1, 2009. In the Final Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §103(a). Applicant respectfully traverses the rejections and submits that the Examiner has not established a prima facie case of obviousness.

Pre-appeal panel review of the application in light of the remarks/arguments made herein is respectfully requested.

There are several clear errors in the Examiner's rejections and arguments.

1) Claims 1-3, 5-7, 11-13, 15-17, 21-23, and 25-27:

Applicant refers to the response filed on January 12, 2009, pages 8-10. Among other things, Applicant submits that Herbert merely discloses "encoding the high-order derivative of the plurality of electronic ink data points" (Herbert, paragraph [0007], lines 16-17), not encode data from an input device. In addition, Rader merely discloses an HTTP request header that contains information to parse the data string (Rader, col. 6, lines 26-32), not a header identifying the first format that the data is encoded. Moreover, Lincke merely discloses keeping the maximum message size small for low bandwidth wireless communication system (Lincke, paragraph [0063], lines 4-7; [0105], lines 1-3; [0606], lines 7-9), not breaking the string of data into packets no larger than maximum average size allowed by the infrastructure.

In the Final Office Action, the Examiner states that Rader is not cited for teaching the limitation about breaking the string into packets. However, as presented in the previously filed response, the information contained in the header must be the format of the encoding, not the information to parse the data string.

2) Claims 4, 10, 14, 20, 24, and 30:

Applicant refer to the response filed on January 12, 2009, pages 10-11. Among other things, Applicant submits that Heffner's instant message concept is not the infrastructure that supports a second data format and allows a maximum size of packets. Since claim 4, 14, and 24 depend on claims 3, 13, and 23, respectively, the attributes (e.g., supporting second data format, and allowing a maximum size) related to infrastructure are incorporated in claims 4, 14, and 24 as well. The same argument is applied for claims 10, 20, and 30.

3) Claims 8-9, 18-19, and 28-29:

Applicant refers to the response filed on January 12, 2009, page 11. Among other things, Applicant submits that Lewis merely discloses a user to select between a default recognition and a constrained recognition (Lewis, Abstract), not a processing function being enabled or disabled using a configuration user interface. Selection is not the same as enabling/disabling.

Accordingly, Applicants respectfully request the Review Panel render a decision allowing the application.

Conclusion

Applicant respectfully requests the Review Panel render a decision allowing the application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 29, 2009

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